



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: James E. Dahlberg, *et al.*

Serial No.: 09/940,925

Group No.: 1636

Filed: August 28, 2001

Examiner: Daniel M. Sullivan

Entitled: **DETECTION OF TARGET SEQUENCES BY
CLEAVAGE OF NON-TARGET NUCLEIC
ACIDS**

**TERMINAL DISCLAIMER TO OBVIATE
A DOUBLE PATENTING REJECTION
OVER A PRIOR PATENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(a)(1)(i)(A)

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: January 28, 2005By: 
Mary Ellen Waite

Sir:

I, Mary Ann D. Brow, represent that I am an agent of record for this invention. The Assignee, Third Wave Technologies, Inc., 502 South Rosa Road, Madison, Wisconsin 53719, is the owner of one-hundred percent (100%) interest in the instant application. The assignment from the inventors was recorded in the Patent and Trademark Office at Reel 7808, Frame 0587.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§154 to 156 and 173 of prior Patent No. 5,091,142 and hereby agrees that any patent so granted on the above-identified instant application shall be enforceable only for and during such period that the legal title to said patent be the same as the legal title to the above referenced patent, this agreement to run with any patent

granted on the above-identified instant application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, in the event that Patent No. 5,091,142 should expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, have all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is empowered to act on behalf of the assignee.

Dated: January 28, 2005



Mary Ann D. Brow
Reg. No. 42,363

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
(608) 218-6900